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IN THE UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

NATIONAL ABORTION FEDERATION; CAROLYN THOMPSON; GAYLE BERRY; FAMILY PLANNING ASSOCIATES MEDICAL GROUP; FEDERATION OF FEMINIST WOMEN'S HEALTH CENTER; PLANNED PARENTHOOD OF LOS ANGELES; PLANNED PARENTHOOD OF SAN DIEGO; HER MEDICAL CLINIC; PASADENA PLANNED PARENTHOOD COMMITTEE, INC.; CARING WOMAN; CLINICA MEDICA PARA LA MUJER; DR. LEON SCHIMMEL; CALIFORNIA NOW; WOMANCARE, INC.; PLANNED PARENTHOOD OF SANTA BARBARA, VENTURA AND SAN LUIS OBISPO COUNTIES; HEALTH CARE CENTER FOR WOMEN; PICO WOMEN'S MEDICAL GROUP; FAMILY PLANNING MEDICAL CLINIC; and PLANNED PARENTHOOD/ORANGE AND SAN BERNARDINO COUNTIES, Plaintiffs, vs. OPERATION RESCUE; JEFF WHITE; JOSEPH FOREMAN; DR. RANDY ADLER; KEN TANNER; RANDALL TERRY and JOHN AND JANE DOES 3 through 100, inclusive, Defendants.	CASE NO. CV 89-1181 AWT (Bx) FIRST AMENDED COMPLAINT (CLASS ACTION) (Civil Rights)

ADDITIONAL ATTORNEYS FOR PLAINTIFFS

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FIRST CAUSE OF ACTION

(Violation of 42 U.S.C. Section 1985(3))
(Violation of Right to Travel,
Right to Obtain Abortion)
(By all Plaintiffs Against all Defendants)

The plaintiffs, by their attorneys, complain of the defendants and allege:

PRELIMINARY STATEMENT

1. This is an action for declaratory and injunctive relief addressed arising out of actions directly threatening the health and safety of thousands of women seeking abortions or other gynecological and family planning services in clinics and other facilities in the state of California since mid-February, 1989. Plaintiffs, who include individual women who have been or believe they will be denied access to health care providers, organizations representing the affected women and a class of women's health care clinics and abortion providers throughout California, seek a limited injunctive order ensuring that defendants' actions do not infringe plaintiffs' constitutional, statutory, and common law rights to obtain and provide medical services, including pregnancy-testing, pre-natal care, cancer screening and abortions, to enjoy protection from tortious interference with their exercise of these rights. Plaintiffs require immediate injunctive relief to forestall a meticulously planned series of tortious actions called "Operation Rescue" (hereinafter "the Operation") involving the blockade and physical harassment of private physicians, family planning clinics and abortion providers within the several counties of the State of California, by defendant organizations and

individuals, and others acting in concert with them or on their behalf.

2. Defendants have expressed their intent to block access to medical offices, to obstruct the provision of abortion and all other gynecological and family planning services available at these facilities, and to intimidate, harass and otherwise restrain women attempting to use the services of the clinics. Defendants' actions built to a "National Holy Week of Rescue" to coincide with Easter weekend on March 22 to March 25, 1989, concentrated in Southern California, with preliminary "test runs" throughout the state. Defendants do not indicate which providers they will target, or when, in order to frustrate efforts to protect the affected facilities and patients. Defendants' actions will greatly increase the health risks faced by women seeking counseling, abortions and other medical services provided in the targeted facilities, and therefore plaintiffs require immediate injunctive relief.

JURISDICTION AND VENUE

3. This Court has jurisdiction of the subject matter of this action under 28 U.S.C. section 1331 in that plaintiffs allege violations of federal law. In addition, jurisdiction is proper under 42 U.S.C. section 1985(3), 28 U.S. 1343 and the doctrine of pendent jurisdiction.

4. Venue in this District is proper under 28 U.S.C. section 1391(b) because the claims arise here.

PARTIES

Plaintiffs

5. Plaintiff National Abortion Federation (NAF) is a not-for-profit corporation with offices in Washington, D.C. It is an organization made up primarily of abortion providers, with 48 member clinics located throughout the State of California. It sues on behalf of itself, its member clinics and their staffs and patients.

6. Plaintiffs Carolyn Thompson and Gayle Berry are women who were denied access to family planning services and gynecological care during the blockade on February 11, 1989 by defendants of access to two medical facilities providing these services to women in the Los Angeles area. Plaintiffs intend to continue to seek medical services at these facilities in the future. They sue on their own behalf and on behalf of all others similarly situated.

7. Plaintiff Family Planning Associates Medical Group is a health care provider with 21 clinics that provide abortions and other family planning and gynecological care in five separate counties of the state of California. It sues on behalf of itself, its staff, and its patients.

8. Plaintiff Federation of Feminist Women's Health Center is a women's health care provider with 7 clinics located throughout the state of California, including facilities in Los Angeles, Sacramento, Redding and Chico. It sues on behalf of itself, its member clinics, its staff and its patients.

9. Plaintiff HER Medical Clinic is a women's health care provider that provides abortions and other family planning and

gynecological care in Los Angeles, California. It sues on behalf of itself, its staff and its patients.

10. Plaintiff Pasadena Planned Parenthood Committee, Inc. is a health care provider that provides abortions and other family planning and gynecological care in the Pasadena area. It sues on behalf of itself, its staff and its patients.

11. Plaintiff Caring Woman is a health care provider that provides abortions and other family planning and gynecological care in West Hills, California. It sues on behalf of itself, its staff and its patients.

12. Plaintiff Clinica Medica Para La Mujer is a health care provider that provides abortions and other family planning and gynecological care in Van Nuys, California. It sues on behalf of itself, its staff and its patients.

13. Plaintiff, Dr. Leon Schimmel, is the medical director of Women's Health Associates, a health care provider that provides abortions and family planning and other gynecological care in Yolo County. He sues on behalf of himself, his staff, and his patients.

14. Plaintiff California NOW is a membership organization with offices in Sacramento and elsewhere throughout California. It sues on behalf of its members who include women who will need to use the medical care being denied by defendants' blockades. Additionally, plaintiffs are called upon to protect their members who are subject to defendants' tortious conduct.

15. Plaintiff WomanCare, Inc. is a women's health care provider, with one facility in San Diego and a second office in Los Angeles, that provide abortions and other gynecological services. It sues on behalf of itself, its staff and its patients.

16. Plaintiff Planned Parenthood of Santa Barbara, Ventura and San Luis Obispo Counties is a women's reproductive health care provider with five clinics, of which one in each of the three named counties provides abortion services. It sues on behalf of itself, its staff and its patients.

17. Plaintiff Health Care Center for Women is a women's health care provider in Sherman Oaks, California which provides abortions, family planning and other gynecological care to women. It sues on behalf of itself, its staff and its patients.

18. Plaintiff Pico Women's Medical Group provides full health care services to women. It sues on behalf of itself, its staff and its patients.

19. Plaintiff Family Planning Medical Clinic is a women's health care provider in El Monte, California which provides abortions, family planning services and gynecological care to women. It sues on behalf of itself, its staff and its patients.

20. Plaintiff Planned Parenthood of Orange and San Bernardino Counties is a women's reproductive health care provider with five clinics, of which one in each of the three named counties provides abortion services. It sues on behalf of itself, its staff and its patients.

Class Allegations

21. Individual plaintiffs bring this action on their own behalf and on behalf of all women in the State of California who are deprived of necessary medical care by defendants' actions and of the right to travel; on behalf of all family planning clinics and women's health clinics and their staff and patients who are

unable to provide or receive necessary medical services because of defendants' actions; and on behalf of all providers of abortion and family planning and other gynecological services and their patients in the State of California who are similarly unable to provide or receive necessary medical services because of defendants' actions, pursuant to Rules 23(a) and 23(b) of the Federal Rules of Civil Procedure.

22. Plaintiffs seek certification of two classes. The members of the first plaintiff class are all women who seek medical care from facilities which provide a full range of medical services, including family planning, abortion and gynecological service providers and are deprived of that care because of defendants' present and threatened actions. The members of the second class are all family planning clinics, abortion and other gynecological care providers, and women's clinics which are unable to provide that care because of defendants' present and threatened actions. Each member of each plaintiff class is subjected to the conditions and practices alleged herein.

23. The first proposed class is comprised of thousands of members. The population of this class is constantly changing and subject to constant fluctuation. Thus, the number of members in the class are so numerous, and change as the medical conditions of the class members change, to a degree as to make joinder impracticable. The second proposed class is comprised of several hundred members. The population of this class also fluctuates, as defendants target different health clinics and medical providers with the actions complained of herein. Thus, joinder is also impracticable for this second proposed class.

24. There are questions of law and fact common to all members of both classes; namely, whether the practices of defendants alleged herein violate the constitutional and statutory rights of the plaintiffs and their proposed classes.

25. The questions of law and fact are common to members of both classes and predominate over any questions affecting individual members. Neither the differences in individual class members' legal status nor other individual characteristics among the class members are relevant to the questions raised by the allegations herein.

26. The named plaintiffs' claims are typical of those of the members of the two classes whom they seek to represent. The defenses that defendants will raise are common to all members of the classes. Plaintiffs know of no conflict of interest among members of the class with regard to the issues of this case, nor do plaintiffs know of any interest which individual class members might have in controlling or maintaining separate actions. Plaintiffs will fairly and adequately represent the interests of the proposed class, as will the attorneys who represent them.

27. A class action is superior to other available methods for the fair and efficient adjudication of this controversy, and the plaintiffs know of no difficulties likely to be encountered in the management of this case as a class action.

Defendants

28. Defendant "Operation Rescue" is an unincorporated association, with offices in Binghamton, New York and Garden Grove, California, whose members' purpose is to organize and coordinate

disruptions of abortion and family planning facilities, including three announced blockades scheduled for the greater Los Angeles area from March 22 to March 25, 1989, March 18, 1989 in San Diego and March 11, 1989 in Sacramento. The Operation's literature lists its address in New York as P.O. Box 1180, Binghamton, New York 13902, and its telephone number as (607)723-4012. Its literature lists its California address as P. O. Box 3354, Laguna Hills, Ca. 92653. Operation Rescue maintains an office at 12966 Euclid, Suite 217, Garden Grove, California 92643. Its telephone number is (714)638-4592. The Operation's literature also lists the following additional telephone numbers in the state of California: Big Valley Operation Rescue, (209)538-4824; Bay Area Operation Rescue, (408)984-SAFE; Central Valley Operation Rescue, (209)683-8921; and Project Rescue, (619)598-8848 in San Diego.

29. Defendant Jeff White, acting in concert with the other defendants and others unknown, is one of the organizers of the blockades scheduled for March 22 to March 25, 1989 in the Southern California area, March 18, 1989 in San Diego, and March 11, 1989 in Sacramento. He is the director of Operation Rescue in Northern California.

30. Defendant Joseph Foreman, acting in concert with the other defendants and others unknown, is one of the organizers of the blockades scheduled for March 22 to March 25, 1989 in the Southern California area, March 18, 1989 in San Diego and March 11, 1989 in Sacramento. In addition, defendant Foreman is the organizer of an announced "sidewalk counseling" training session of March 4, 1989 in the Southern California area. He is an

employee of Operation Rescue National Organization, presently assigned to California.

31. Defendant Dr. Randy Adler, acting in concert with the other defendants and others unknown, is one of the organizers of the blockages scheduled for March 18, 1989 and March 22 to March 25, 1989 in the Southern California area. He is the coordinator of the Southern California Pastor's Rescue and the pastor of the Stone Mountain Church in Laguna Hills, California.

32. Defendants "John Doe(s)" and "Jane Doe(s)" are fictitious names, the real names of said defendants being presently unknown to plaintiffs. These fictitious names are intended to designate organizations or persons who are members of defendant organizations, and others acting in concert with any of the defendants who are engaging in, or intend to engage in, the conduct complained of herein.

33. Defendant Randall Terry, previously identified as DOE I, acting in concert with the other defendants and others unknown, is the national director of Operation Rescue. He is an organizer of the blockades in March and August in Southern California.

34. Defendant Ken Tanner, previously identified as DOE II, acting in concert with the other defendants and others unknown, was the Southern California Director of Operation Rescue through late April, 1989. He was and continues to be an organizer of blockades throughout the southern California area.

FACTS

35. The defendants, pursuant to a conspiracy that they have entitled "Operation Rescue," plan to obstruct and close down

facilities at which they believe abortions are performed in the Los Angeles/Orange County area from March 22 to March 25, 1989, in Sacramento on March 11, 1989, and in San Diego on March 18, 1989, by trespassing on, sitting in, blocking, impeding or obstructing ingress into or egress from such facilities, blocking the path of patients, staff and visitors, and otherwise physically disrupting and interfering with the operations of and access to the facilities.

36. The defendants do not accept the decisions of the United States Supreme Court and the California Supreme Court that the United States Constitution and the California Constitution guarantee and protect a woman's right to choose abortion and to carry out that decision, and they intend to interfere with the rights of all women attending the targeted clinics and providers to receive medical care in order to prevent some women from exercising the right to seek an abortion.

37. Defendants have announced that, in carrying out the Operation, they will be joined by approximately 2,000 people from various parts of the country.

38. Defendants' own published plans for the California Operation state explicitly that they intend to shut down the "abortuary" clinics in this state and, specifically, to prevent clinic employees or pregnant women from entering the clinics. Defendants' instructions to their co-conspirators acknowledge that they are likely to be arrested, and state that, even if the police make arrests and seek to disperse the crowd, demonstrators are to "skooch" together and keep the doorways blockaded.

39. Defendants have not publicly stated which clinics in California the Operation will target on March 11, 1989 in Sacramento, on March 18, 1989 in San Diego or on March 22 to March 25, 1989 in the Los Angeles/Orange County area, or which clinic will be the site of "sidewalk counseling" on March 4, 1989, or which clinics or other cities will be the sites of "test-runs." Defendants have stated that they intend to keep this aspect of the Operation secret in order to frustrate attempts to protect and guarantee women's access to the clinics and providers. Plaintiff organization intends to help protect and guarantee women's access to the facilities during the course of the Operation, but is frustrated in its attempts to do so by defendants' refusal to identify the targeted facilities.

40. Plans for the Operation were first announced by defendant Randall Terry and certain other defendants at a Pro-Life Action Network Conference in Atlanta, Georgia in May, 1987. Ever since that time, certain of the defendants have organized for this Operation, distributed fliers inviting others to participate, staged rallies and other organizing events, including "field training sessions" throughout the state and country. Since July, 1988, defendants, and other acting in concert with them, have conducted at least fourteen (14) blockades of clinics throughout the state, at which they have prevented ingress or egress entirely into or from the facilities by sitting or standing in front of the entrances and exits and by chaining themselves and their automobiles to clinic property or to heavy objects which impeded the ability of local law enforcement to clear access to the health care facilities.

41. On February 11, 1989, defendants conducted a five-hour "field-training" blockade at the Pico Women's Medical Clinic and the Westside Women's Medical Clinic in Los Angeles, California. Plaintiffs are informed that certain of the defendants characterized this blockade as a test run for the end of March in Los Angeles.

42. During the test run in Los Angeles, all entrances to both clinics were blocked by defendants White and Foreman and certain other defendants, for approximately five hours.

43. Participants in the trespass action at the two clinics in Los Angeles, who came from various parts of the state of California and from areas out of state, began gathering at the First Foursquare Church of Long Beach at 6:00 p.m. on February 10, 1989. All participants in the Operation were required to attend that rally in order to learn the location of the Operation's target for February 11, 1989.

44. Participants in the trespass action at the two clinics in Los Angeles, began gathering at the clinics at approximately 7:00 a.m. on February 11, 1989 and remained until shortly after 12:00 noon, during which time a total of approximately 600 participants blocked all entrances to both of the clinics and prohibited clinic staff and patients from gaining access to the facilities.

45. Approximately 10 women would have been seen for medical services at the Westside Women's Medical Clinic on February 11, 1989 for the activities of defendants. Approximately 12 women would have been seen for medical services at the Pico Women's Medical Clinic but for the activities of defendants. As a result

of defendants' activities, no women who had appointments for that day were served at either location. One woman, who was scheduled for a post-operative appointment for follow-up examination following a hospitalized abdominal surgery had to be treated on an emergency basis at an alternative location. Although this woman, plaintiff Carolyn Thompson, informed the blockaders that she was not pregnant and did not seek an abortion, defendants still prevented her from obtaining necessary medical care. Similarly, Gayle Berry informed blockaders that she had an appointment for an annual cancer screening test. Defendants did not believe her and denied her access to her doctor's office.

46. Defendants intend to replicate the Los Angeles action each day of the California Operation, at various clinics and abortion providers' offices in Los Angeles and throughout the state. Defendants have announced a similar test run for San Diego prior to the Los Angeles "siege" on March 18, 1989, and for Sacramento on March 11, 1989. Defendants have also announced a "sidewalk counseling" training session on March 4, 1989 at a location to be disclosed in Southern California.

47. Certain of the defendants, and others acting in concert with them, previously demonstrated at a clinic operated by plaintiff Planned Parenthood of San Diego County on January 21, 1989. At that time, approximately 250 demonstrators gathered in front of the clinic. During the course of the demonstration, defendants informed the director of Planned Parenthood of San Diego County that they were from defendant Operation Rescue and that they would be back to the clinic. Six police officers were positioned at the main parking entrance to the clinic facilities on that date.

48. Since early March, defendants have conducted more than 9 blockades in the San Diego area. All women have been excluded from medical care during these blockades, including one woman who was seeking follow-up care to prevent a miscarriage. Although she informed defendants she did not seek an abortion and did not believe in abortion, they still prohibited her from seeking necessary medical care.

49. Since October, 1988, defendants have been blockading clinics in Santa Clara County. Approximately 500 demonstrators have been arrested in Sunnyvale, California. The most recent blockade of clinics in this area occurred unannounced on February 11, 1989 in conjunction with the blockade of two clinics in Los Angeles. Certain of the defendants, and others acting in concert with them, have chained themselves to the clinic property, to heavy objects which have impeded law enforcement removing them, and have chained their automobiles to clinic property to facilitate the blockade of clinics.

50. During the past several months, certain of the defendants have appeared outside the Women's Health Associates clinic in Davis and informed clinic staff that they would be bringing Operation Rescue to Yolo County and planned a blockade of the clinic operated by plaintiff Dr. Leon Schimmel. Defendants have not announced a specific date on which they will blockade this facility in an attempt to frustrate plaintiffs' abilities to keep the access to medical services at the clinic open and available to all of its patients.

51. Certain of the defendants, and others acting in concert with them, have engaged in the conduct described above, all of

which is intended to and will have the effect of denying or disrupting women's access to the targeted clinics, with the intended result that many women will have to delay their scheduled medical services. Any delay in the provision of health services relating to childbirth and abortion, or in the provision of certain other gynecological services, increases the health risks faced by the women affected. Therefore, unless defendants' planned activities are enjoined, substantial and irreparable damage will be done to women patients' health and safety, and to their rights to choose an abortion and to carry out that decision, as well as to the plaintiff clinics' rights to conduct their business without illegal interference.

52. Plaintiffs have no adequate remedy at law in that monetary damages cannot fully recompense them for the threats and actual injury to their health and safety resulting from defendants' actions and the consequent delays in receiving or providing necessary medical services.

53. Defendants conspired together with each other and other parties presently unknown for the purpose of denying women seeking medical care at targeted facilities the equal protection of the laws and the equal privileges and immunities under the law and obstructing travel, in violation of 42 U.S.C. section 1985(3). Defendants are and continue to be motivated by three forms of invidiously discriminatory animus. First, defendants have exhibited a class-based animus against women, the threat of which has been felt by any woman seeking medical care. Second, defendants have exhibited a class-based animus against pregnant women, the threat of which has been felt by any woman seeking

pregnancy counseling information, pre-natal care, fertility treatments and a range of other gynecological medical services. Third, defendants have exhibited class-based animus against women whom defendants believe are seeking to exercise their constitutional and legal right to choose abortions and other family planning services at the targeted facilities, as well as at all like medical facilities in the state of California.

54. As a result of the aforesaid actions by defendants, plaintiffs have suffered damages in an amount to be proven at trial. Defendants' actions were willful and malicious. Thus, plaintiffs are entitled to punitive damages.

SECOND CAUSE OF ACTION

(Violation of 42 U.S.C. Section 1985(3))
(Conspiracy to Frustrate and/or Hinder Law Enforcement)

55. Plaintiffs repeat and reallege each of the allegations set forth in paragraphs 1 through 54 as though fully set forth herein.

56. Defendants conspired together with each other and other parties presently unknown for the purpose of preventing and/or hindering the constituted authorities of the state of California from giving or securing to all women within this state the equal protection of the laws. In particular, defendants have engaged in a deliberate course of conduct aimed at frustrating the equal protection of the laws for women's medical care providers and their patients.

57. On April 29, 1989, for example, during an Operation Rescue blockade of a medical facility in San Diego, several leaders

of Operation Rescue tied rope around their legs, binding the blockaders together so that police officers were required to cut the rope with scissors before those blockaders could be removed from the entrance to Dr. Rand's office. On June 10, 1989, during an Operation Rescue blockade in San Diego, three Operation Rescue participants threw themselves under a police van and held on to the underside of the vehicle to delay police in removing those already arrested. In Cypress on March 23, 1989, OR blockaders crawled under and in front of the police van to prevent demonstrators from being removed. On June 10, 1989, in La Mesa, California, blockaders chained doors shut to a hallway leading directly to a clinic, impeding police and patient access to the area, as well as creating a safety hazard to staff and patients who were inside the clinic at the time. During a "Minuteman" raid by OR in San Marcos on July 20, 1989, four blockaders locked themselves together at the neck with interlocking solid bicycle locks in a deliberate attempt to frustrate police efforts to remove them from the doctor's office. In other instances throughout the state, OR blockaders have used special heavy-duty locks and chains to attach themselves to heavy or immovable objects and thereby frustrate and hinder law enforcement from removing them from the area.

58. At the date of the blockades, OR has deliberately kept secret their target sites to prevent law enforcement from utilizing proactive means of maintaining access to these medical facilities. On site, OR has used a crawl technique to move new blockaders in as police attempt to remove those already present. At the October 21 blockade of the Family Planning Associates facility in La Mesa,

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blockaders rushed the entrance as well as crawling in and around police.

59. When police attempt to remove demonstrators, they engage in physical tactics including going limp and crossing their feet at the ankles and bending them up at the knees to prevent police from forcing OR to walk away after being arrested. All of these tactics are done deliberately to prevent police from removing demonstrators in a timely fashion and maintaining access to the targeted medical facilities.

THIRD CAUSE OF ACTION

(California Constitution, Article I, sec.1)
(By all Plaintiffs Against all Defendants)

60. Plaintiffs repeat and reallege each of the allegations set forth in paragraphs 1 through 54 as if fully set forth herein.

61. The actions planned by defendants, which are directed at women seeking abortions and other family planning services at the targeted facilities, jointly and individually violate the laws of California, including the right to privacy guaranteed under Article I, sec. 1 of the California Constitution.

62. As a result of the aforesaid actions by defendants, plaintiffs have suffered damages in an amount to be proven at trial. Defendants' actions were willful and malicious. Thus, plaintiffs are entitled to punitive damages.

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FOURTH CAUSE OF ACTION

(California Civil Code Sec. 52.1)
(By all Plaintiffs Against all Defendants)

63. Plaintiffs repeat and reallege each of the allegations set forth in paragraphs 1 through 54 as if fully set forth herein.

64. The actions planned by defendants, which are directed at women seeking abortions and other family planning services at the targeted facilities, jointly and individually violate the Bane Civil Rights Act as codified in California Civil Code section 52.1 in that defendants have, by threat, intimidation or coercion interfered with or attempted to interfere with plaintiffs' exercise and/or enjoyment of rights secured by the Constitution and laws of the United States and the Constitution and laws of the State of California.

65. As a result of the aforesaid actions by defendants, plaintiffs have suffered damages in an amount to be proven at trial. Defendants' actions were willful and malicious. Thus, plaintiffs are entitled to punitive damages.

FIFTH CAUSE OF ACTION

(Tortious Interference with Business)
(By all Plaintiff Clinics
and Doctors Against all Defendants)

66. Plaintiffs repeat and reallege each of the allegations set forth in paragraphs 1 through 54 as if fully set forth herein.

67. The actions planned by defendants, jointly and individually, constitute a tortious interference with plaintiff facilities' businesses.

68. As a result of the aforesaid actions by defendants, plaintiffs have suffered damages in an amount to be proven at trial. Defendants' actions were willful and malicious. Thus, plaintiffs are entitled to punitive damages.

SIXTH CAUSE OF ACTION

(Trespass)
(By all Plaintiff Clinics and Doctors Against all Defendants)

69. Plaintiffs repeat and reallege each of the allegations set forth in paragraphs 1 through 54 as if fully set forth herein.

70. The actions planned by defendants, jointly and individually, constitute an intentional tortious trespass on the targeted clinics and abortion providers.

71. As a result of the aforesaid actions by defendants, plaintiffs have suffered damages in an amount to be proven at trial. Defendants' actions were willful and malicious. Thus, plaintiffs are entitled to punitive damages.

SEVENTH CAUSE OF ACTION

(Intentional Infliction of Emotional Harm)
(By all Plaintiffs Against all Defendants)

72. Plaintiffs repeat and reallege each of the allegations set forth in paragraphs 1 through 54 as if fully set forth herein.

73. The actions of defendants, jointly and individually, constitute tortious intentional infliction of emotional harm on patients and employees of the plaintiff clinics and abortion providers.

74. As a result of the aforesaid actions by defendants, plaintiffs have suffered damages in an amount to be proven at trial. Defendants' actions were willful and malicious. Thus, plaintiffs are entitled to punitive damages.

EIGHTH CAUSE OF ACTION

(Public Nuisance)
(By all Plaintiffs Against all Defendants)

75. Plaintiffs repeat and reallege each of the allegations set forth in paragraphs 1 through 54 as if fully set forth herein.

76. The actions planned by defendants, jointly and individually, constitute a public nuisance designed to, and having the effect of, endangering the public security, safety and welfare of the cities in which the targeted clinics are located, and their residents, especially those women seeking to obtain abortions or other family planning or medical services at facilities where abortions are performed.

WHEREFORE, plaintiffs demand judgment, together with costs, fees and disbursements of this action as follows:

1. Declaring that the conduct complained of defendants is violative of plaintiffs' rights to obtain and provide abortions under the United States Constitution and the California Constitution; and,

2. Declaring that the conduct complained of defendants is violative of the individual women plaintiffs' rights to travel under the United States Constitution; and,

3. Declaring that the conduct complained of defendants is violative of plaintiffs' rights under California Civil Code sec. 52.1 to be free from threat, intimidation or coercion in the exercise or enjoyment of rights secured to all persons; and,

4. Declaring that the conduct complained of defendants constitutes a tortious interference with plaintiff clinics' and doctors' business; and,

5. Declaring that the conduct complained of defendants constitutes a trespass against plaintiff clinics' and doctors' property; and,

6. Declaring that the conduct complained of defendants constitutes an intentional infliction of emotional harm upon plaintiffs; and,

7. Granting plaintiffs a preliminary and permanent injunction restraining and enforcing the defendants, the officers, directors, agents and representatives of defendants, and all other persons whomsoever, known or unknown, acting on their own behalf or in concert with them, in any manner or by any means from:

A. trespassing on, sitting in, blocking, impeding or obstructing ingress or egress from any facility at which abortions or other family planning services are provided in the state of California, including conducting "sidewalk counseling" of plaintiffs in a manner which physically impedes plaintiffs' movement, and demonstrating within fifteen (15) feet of any entrance or exit to the plaintiff facilities during any "field-training sessions," the national "siege" from March 22 to March 25, 1989, and until the conclusion of

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a planned blockade called "Operation Rescue" or a similarly structured action;

B. physically abusing persons entering or leaving, working at or using any services at any facility at which abortions are performed in the State of California through March 22 to March 25, 1989 or the conclusion of blockade activities, whichever is later;

C. attempting or directing others to take any of the actions described in paragraphs A and B above;

D. providing that nothing in the Court's Order should be construed to limit defendants' exercise of their First Amendment rights;

E. directing the defendant organizations and their officers and the defendant individuals and those working in concert with them, to inform all members of the organizations and conspiracy believed to be planning to participate in the activities enjoined in paragraphs A through C above of this Order;

F. granting compensatory and punitive damages;

G. waiving the requirement in Fed. R. Civ. P. 65(c) that plaintiffs post bond or in the alternative establishing a nominal bond in the amount of $500;

H. granting plaintiffs' reasonable attorneys' fees, pursuant to, among other things, 42 U.S.C. section 1988; and,

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I. granting such other and further relief as the Court deems just and proper.

DATED: October 27, 1989

Respectfully submitted,

ACLU FOUNDATION OF SOUTHERN CALIFORNIA

ACLU FOUNDATION OF SAN DIEGO AND IMPERIAL COUNTIES

PAUL PERSONS, ESQ.

By Carol A. Sobel
CAROL A. SOBEL

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PROOF OF SERVICE BY MAIL

I, KAREN MIYAHARA, declare:

I am a resident of the County of Orange, California; that I am over the age of eighteen (18) years of age and not a party to the within-entitled cause of action; that I am employed in the County of Los Angeles, California; and that my business address is 633 S. Shatto Place, Los Angeles, California 90005.

On October 27, 1989, I served a copy of the attached documents described as FIRST AMENDED COMPLAINT (CLASS ACTION) (Civil Rights) on the parties of record in said cause by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

ROBERT L. SASSONE
900 N BROADWAY, STE 725
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(For Randy Adler)

STEPHEN E. HURST
755 CREST DR
ENCINITAS, CA 92024
(For Connie Youngkin)

CYRUS ZAL
102 MAINSAIL COURT
FOLSOM, CA 95630
(For Ken Tanner, Jeff White, Will Lehman, John Burns, Robert Conger, Linda Conger, Thorn Renfro, Charles Salamina, Thomas Scanlan, Kevin Wells, Stevene Manzano, Jeff Barns, Paul McConnell, Peter Hassl, Lawrence Shrank, Robert Jasso, Joseph Foreman)

I am readily familiar with the office's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct. Executed on October 27, 1989, at Los Angeles, California.

Karen Miyahara
KAREN MIYAHARA

EXHIBIT B